



Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

Docket DC-18-0003: Agriculture-Related Amendments to the Boulder County Land Use Code

Request: Review of draft amendments to agriculture-related provisions of the Boulder County Land Use Code Text.

(Staff Leads: Nicole Wobus, Land Use Department; Jeff Moline, Parks and Open Space Department)

Dear Stakeholder/Interested Party,

On May 10, 2018, the Board of County Commissioners (BOCC) authorized Land Use staff to pursue text amendments to the Boulder County Land Use Code (“the Code”) related to agriculture. The County last updated agricultural provisions of the Land Use Code in 2012. After several years of implementation, there is an identified need to make revisions to address changes in the industry and ensure the regulatory framework is scaled to address impacts without causing undue burden. The County, including staff from the Land Use, Parks and Open Space, and Public Health departments, conducted an outreach project aimed at gaining a better understanding of the needs and issues of the agricultural community in Boulder County. Staff identified opportunities to streamline and clarify Code provisions, and better align Land Use review requirements with the level of impacts associated with various agricultural uses.

Summary of Proposed Changes:

- **Farm Sales:** Allow sales of agricultural products across a wider range of circumstances; apply a single definition of agricultural sales across all related uses; consolidate the sales-related uses; introduce a definition and process provisions specific to structures used to sell agricultural products.
- **Farm Events:** Increase the number of events allowed per year; allow a greater number of people at events, with additional review and approval; allow use of permanent structures, provided the structures are used for agricultural purposes when not used for farm events.
- **Demonstration Farms / Farm Camps:** Allow a greater number of participants in classes and camps; allow additional participants for educational tours; allow as an accessory use to any agricultural use.
- **Season-Extending Agricultural Structures (i.e., hoop houses and high tunnels):** Add a definition (“Season-Extending Agricultural Structures”) for clarity; apply the same provisions to properties held under a conservation easement as those applied to other properties, as long as it is consistent with the conservation easement in question; exclude Season-Extending Agricultural Structures from counting as floor area if they lack utilities aside from irrigation or temporary heat; allow up to 3,000 square feet of Season-Extending Agricultural Structures on parcels 5 acres or larger without triggering Site Plan Review.
- **Verified Established Farm Use (VEFU):** General Code improvements would help support policy goals and enable new farmers to enter the market. The following provisions would apply to those properties demonstrating an established farm use: eligible for greater number of attendees at Demonstration Farm and Farm Camp classes; allow up to 200 average daily vehicle trips; allow occupant load up to 150.

Attachments:

Attachment	Description
A	Proposed Text Amendments to the Land Use Code <i>(excerpts of existing Code language with changes shown in redline)</i>
B	Summary Table – Existing Conditions vs. Proposed Code Changes

This draft of proposed changes to the Land Use Code is being referred to agencies and members of the public to garner feedback. Staff will make necessary changes to the draft before it is recommended for adoption through the public hearing process. The existing text and a draft of the proposed text amendments are attached to this letter for your review.

You may also view the proposed draft text amendments and future revisions in our office or online at: <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-18-0003/>

The docket review process for the proposed amendments will include a public hearing before the Boulder County Planning Commission and the Boulder County Board of County Commissioners. Public comment will be taken at both hearings. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

The Land Use staff and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter or email with your comments. All comments will be made part of the public record. If you have any questions regarding this docket, please contact us at (303) 441-3930 or nwobus@bouldercounty.org.

Please return responses by October 25, 2018. Late responses will be reviewed as the process permits.

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed _____ PRINTED Name _____

Agency or Address _____

PROPOSED AGRICULTURE-RELATED LAND USE CODE AMENDMENTS

[This document only shows Land Use Code language that would undergo changes as a result of this update. Additional provisions of the Land Use Code apply to agricultural uses.]

3-203 Standards for Submittal Requirements

A. Application

1. Before any request for County approval under this Code may be processed, a complete application must be filed with the Land Use Department. A complete application includes:
 - f. Documentation of a Verified Established Farm Use, if seeking Land Use review processes available to such properties.

Article 4 • Zoning

4-100 Zoning District Regulations

Zoning District Legend:	
(A)	Uses Permitted by Special Authorization of the Building Official (Section 2-500)
(I)	Uses Permitted by Limited Impact Special Review (Article 3 and Section 4-600)
(L)	Uses Permitted by Location & Extent Review (Article 8)
(R)	Uses Permitted by Review of Areas and Activities of State Interest (Article 8)
(S)	Uses Permitted by Special Review (Article 3 and Section 4-600)
(SPR)	Uses Permitted by Site Plan Review (Article 4-800)

Note: The uses listed in each zoning district are listed with the review process acronyms as shown in the legend above. Review processes are also triggered based on the intensity of the use, specific location of the development and extent of physical development on the property. Thus, even if a review process is not enumerated, a parcel may still require a process based on the other Code requirements.

4-101 Forestry (F) District

F. Additional Requirements

2. Special review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - i. Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - i. Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
 - d. has a total floor area greater than 25,000 square feet; or
 - e. has a second principal use which does not increase density.

4-102 Agricultural (A) District

- A. Purpose: Rural areas where conservation of agricultural resources is of major value, and where residential development compatible with agricultural uses is allowed.
- B. Principal Uses Permitted
 1. Agri-business Uses (see 4-501)
 - a. Agricultural Products Processing and Storage (S)
 - b. Commercial Feed Yard (S)
 - c. Commercial Nursery

- d. Custom Meat or Poultry Processing Facility (S)(I)
- e. Keeping of Nondomestic Animals (S)
- 2. Agricultural Uses (see 4-502)
 - a. Equestrian Center
 - b. Farm Store (I)
 - c. Intensive Agricultural Uses
 - d. Open Agricultural Uses
 - ~~e. Seasonal Farm Stand (I)~~
- 3. Commercial/Business Service Uses (see 4-503)
 - a. Kennel
- 4. Community Uses (see 4-504)
 - a. Adaptive Reuse of a Historic Landmark (I)
 - b. Camp (I/S)
 - c. Cemetery (S)
 - d. Church
 - e. Education Facility (S)
 - f. Membership Club (S)
 - g. Reception Halls and Community Meeting Facilities (S)
 - h. Use of Community Significance (I)
- 5. Forestry Uses (see 4-505)
 - a. Forestry
 - b. Forestry Processing and Sort Yard (I)
- 6. Industrial Uses (see 4-506)
 - a. Composting Facility (S)
 - b. Sawmill (S)
 - c. Solid Waste Disposal Site and Facility (S)
 - d. Solid Waste Transfer Facility (S)
- 7. Lodging Uses (see 4-507)
 - a. Bed and Breakfast (I)
 - b. Campground (S)
 - c. Resort Lodge, Conference Center, or Guest Ranch (legally existing as of April 20, 2004) (S)
 - d. Short-Term Dwelling Rental (I)
- 8. Mining Uses (see 4-508)
 - a. Limited Impact Open Mining (I)
 - b. Oil and Gas Operations
 - c. Open Mining (S)
 - d. Subsurface Mining (S)
 - e. Subsurface Mining of Uranium (S)
- 9. Office Uses (see 4-509)
 - None Permitted
- 10. Recreation Uses (see 4-510)
 - a. Firing Range, Outdoor (S)
 - b. Golf Course (S)
 - c. Livery or Horse Rental Operation (S)
 - d. Outdoor Recreation, for day use (S)
 - e. Outdoor Recreation, for night use (S)
 - f. Park and/or Playfield, for day use
 - g. Park and/or Playfield, for night use (S)
 - h. Public Recreation Center (S)
- 11. Residential Uses (see 4-511)
 - a. Group Care or Foster Home (S)
 - b. Single Family Dwelling
- 12. Retail and Personal Service Uses (see 4-512)
 - a. Day Care Center (S)

- b. Recycling Collection Center, Small (I)
- c. Veterinary Clinic, with outdoor holding facilities
- d. Veterinary Clinic, without outdoor holding facilities
- 13. Transportation Uses (see 4-513)
 - a. Airport (S)
 - b. Heliport (S)
 - c. Helistop (S)
 - d. Park and Ride Facility (S)
- 14. Utility and Public Service Uses (see 4-514)
 - a. Central Office Building of a Telecommunication Company (R)
 - b. Community Cistern (I)
 - c. Fire Barn (I)
 - d. Fire Station (S)
 - e. Large Solar Energy System (S)
 - f. Major Facility of a Public Utility (R) (S) (L)
 - g. Medium Solar Energy System or Solar Garden (S)
 - h. Public or Quasi-public Facility other than Listed (S)
 - i. Public Safety Telecommunication Facility (I)
 - j. Sewage or Water Transmission Line (R) (L)
 - k. Sewage Treatment Facility (R) (S) (L)
 - l. Small Solar Energy System or Solar Garden (SPR) (I)
 - m. Small Wind-Powered Energy System
 - n. Telecommunications Facility, existing structure meeting height requirements
 - o. Telecommunications Facility, new structure or not meeting height requirements (S)
 - p. Utility Service Facility
 - q. Water Reservoir (R) (S) (L)
 - r. Water Tank and Treatment Facility (R) (S) (L)
- 15. Warehouse Uses (see 4-515)
 - None Permitted
- C. Accessory Uses Permitted (see 4-516)
 - 1. Accessory Agricultural Sales
 - 2. Accessory Agricultural Structure
 - 3. Accessory Beekeeping
 - 4. Accessory Chicken Keeping
 - 5. Temporary Accessory Community Meeting Facility
 - 6. Accessory Concrete or Asphalt Batch Plant (S)
 - 7. Accessory Dwelling (I)
 - ~~8. Accessory Farm Stand (I)~~
 - 9. Accessory Horse Keeping
 - 10. Accessory Outside Storage
 - 11. Accessory Solar Energy System
 - 12. Accessory Structure
 - 13. Demonstration Farm, or Farm Camp (I)
 - 14. Farm Events (I)
 - 15. Grading of more than 500 Cubic Yards (I)
 - 16. Home Events
 - 17. Home Occupation
 - 18. Household Pets
 - 19. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
 - 20. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
 - 21. Small Wind-Powered Energy System, Roof-Mounted
- F. Additional Requirements

1. Animal units... Four animal units per acre without going through Special Review
2. Special review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers
 - ii. Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.
 - b. has an occupant load greater than or equal to 100 persons per lot
 - ii. Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
 - d. is on a parcel with a total floor area greater than 25,000 square feet, any portion of which is not part of an agricultural use;
 - i. Season-Extending Agricultural Structures that lack permanent utilities other than irrigation shall not be considered floor area per 18-162.
 - e. has a second principal use which does not increase density.
3. Limited Impact Special Review is required for any use which is:
 - a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;
 - b. on a parcel with a total floor area greater than 25,000 square feet all of which is part of an agricultural use.
 - (i) A parcel may have 1,800 square feet of additional floor area for every additional 5 acres of parcel size above 35 acres, without triggering Limited Impact Special Review, but only if the owner grants the County a conservation easement on the property which prohibits any division of the property which would result in a violation of this Code, and prohibits the addition of structures to the property; or
 - c. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516(O).
4. No parcel shall be used for more than one principal use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple principal uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second principal uses approved though Special Review under 4-102.F.2.e, above.

4-103 Rural Residential (RR) District

- A. Purpose: Residential areas developed at a density and character compatible with agricultural uses.
- B. Principal Uses Permitted
 1. Agri-business Uses (see 4-501)
 - a. Commercial Nursery on unsubdivided land (S)
 - b. Keeping of Nondomestic Animals (S)
 2. Agricultural Uses (see 4-502)
 - a. Equestrian Center (S)
 - b. Farm Store on unsubdivided land (I)
 - c. Intensive Agricultural Uses (S)
 - d. Open Agricultural Uses
 - ~~e. Seasonal Farm Stand on unsubdivided land (I)~~
- C. Accessory Uses Permitted (see 4-516)
 1. Accessory Agricultural Sales
 2. Accessory Agricultural Structure
 3. Accessory Beekeeping
 4. Accessory Chicken Keeping
 5. Temporary Accessory Community Meeting Facility
 6. Accessory Dwelling (I)
 - ~~7. Accessory Farm Stand on unsubdivided land (I)~~

8. Accessory Horse Keeping
 9. Accessory Outside Storage
 10. Accessory Solar Energy System
 11. Accessory Structure
 12. Demonstration Farm or Farm Camp on unsubdivided land(l)
 13. Farm Events on unsubdivided land
 14. Grading of more than 500 Cubic Yards (l)
 15. Home Events
 16. Home Occupation
 17. Household Pets
 18. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
 19. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (l)
 20. Small Wind-Powered Energy System, Roof-Mounted
- F. Additional Requirements**
1. Animal units... Two animal units per acre without going through Special Review
 2. Special Review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - i. **Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.**
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - i. **Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.**
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
 - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or
 - e. has a second principal use which does not increase density.

4-104 Estate Residential (ER) District

- A.** Purpose: Low density urban residential areas
- B.** Principal Uses Permitted
1. Agri-business Uses (see 4-501)
 - a. Keeping of Nondomestic Animals (S)
 2. Agricultural Uses (see 4-502)
 - a. Open Agricultural Uses
- C.** Accessory Uses Permitted (see 4-516)
1. Accessory Agricultural Sales
 2. Temporary Accessory Community Meeting Facility
 3. Accessory Dwelling (l)
 4. Accessory Agricultural Structure
 5. Accessory Beekeeping
 6. Accessory Chicken Keeping
 - ~~7. Accessory Farm Stand (l)~~
 8. Accessory Horse Keeping
 9. Accessory Outside Storage
 10. Accessory Solar Energy System
 11. Accessory Structure
 12. Grading of more than 500 Cubic Yards (l)
 13. Home Events
 14. Home Occupation
 15. Household Pets
 16. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
 17. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements

(l)

18. Small Wind-Powered Energy System, Roof-Mounted

F. Additional Requirements

1. Animal units... Two animal units per acre without going through Special Review
2. Special review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - i. Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - i. Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
 - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or
 - e. has a second principal use which does not increase density.

4-108 Transitional (T) District

- A. Purpose: Areas containing both a variety of residential uses and a limited number of business uses which are compatible with residential development.
- B. Principal Uses Permitted
 1. Agri-business Uses (see 4-501)
 - a. Keeping of Nondomestic Animals (S)
 2. Agricultural Uses (see 4-502)

~~None Permitted~~

 - a. Open Agricultural Uses
- C. Accessory Uses Permitted (see 4-516)
 1. Temporary Accessory Community Meeting Facility
 2. Accessory Dwelling (l)
 3. Accessory Outside Storage
 4. Accessory Solar Energy System
 5. Accessory Structure
 6. Grading of more than 500 Cubic Yards (l)
 7. Home Events
 8. Home Occupation
 9. Household Pets
 10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
 11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (l)
 12. Small Wind-Powered Energy System, Roof-Mounted
 13. Accessory Agricultural Sales
 14. Accessory Agricultural Structures
- F. Additional Requirements
 2. Special Review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - i. Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - i. Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
 - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or

- e. has a second principal use which does not increase density.

4-109 Business (B) District

- A. Purpose: Areas for the development of restricted retail and business uses which have minimal exterior impact on surrounding properties.
- B. Principal Uses Permitted
 - 1. Agri-business Uses (see 4-501)
 - a. Keeping of Nondomestic Animals (S)
 - 2. Agricultural Uses (see 4-502)
 - a. Farm Store
 - b. Open Agricultural Uses
 - ~~b. Seasonal Farm Stand~~
- C. Accessory Uses Permitted (see 4-516)
 - 1. Temporary Accessory Community Meeting Facility
 - 2. Accessory Dwelling (I)
 - 3. Accessory Outside Storage
 - 4. Accessory Solar Energy System
 - 5. Accessory Structure
 - 6. Grading of more than 500 Cubic Yards (I)
 - 7. Home Events
 - 8. Home Occupation
 - 9. Household Pets
 - 10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
 - 11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
 - 12. Small Wind-Powered Energy System, Roof-Mounted
 - 13. Accessory Agricultural Sales
 - 14. Accessory Agricultural Structure
- F. Additional Requirements
 - 2. Special Review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - i. Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - i. Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
 - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

4-110 Commercial (C) District

- A. Purpose: Areas for the development of commercial, business, retail, and/or service uses
- B. Principal Uses Permitted
 - 1. Agri-business Uses (see 4-501)
 - a. Keeping of Nondomestic Animals (S)
 - 2. Agricultural Uses (see 4-502)
 - a. Farm Store
 - b. Open Agricultural Uses
 - ~~b. Seasonal Farm Stand~~
- C. Accessory Uses Permitted (see 4-516)
 - 1. Temporary Accessory Community Meeting Facility

2. Accessory Dwelling (I)
3. Accessory Outside Storage
4. Accessory Solar Energy System
5. Accessory Structure
6. Grading of more than 500 Cubic Yards (I)
7. Home Events
8. Home Occupation
9. Household Pets
10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
12. Small Wind-Powered Energy System, Roof-Mounted
13. Accessory Agricultural Sales
14. Accessory Agricultural Structure

F. Additional Requirements

2. Special Review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - ii. Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - ii. Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
 - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

4-111 Light Industrial (LI) District

- A. Purpose: Areas for the development of research, light industrial, warehouse, and/or distribution centers.
- B. Principal Uses Permitted
 1. Agri-business Uses (see 4-501)
 - a. Agricultural Products Processing and Storage
 - b. Commercial Nursery
 - c. Keeping of Nondomestic Animals (S)
 2. Agricultural Uses (see 4-502)
 - a. Intensive Agricultural Uses
 - b. Open Agricultural Uses
- C. Accessory Uses Permitted (see 4-516)
 1. Accessory Agricultural Sales
 2. Accessory Agricultural Structure
 3. Accessory Beekeeping
 4. Accessory Chicken Keeping
 5. Temporary Accessory Community Meeting Facility
 6. Accessory Concrete or Asphalt Batch Plant (S)
 7. Accessory Dwelling (I)
 - ~~8. Accessory Farm Stand (I)~~
 9. Accessory Horse Keeping
 10. Accessory Outside Storage
 11. Accessory Solar Energy System
 12. Accessory Structure
 13. Grading of more than 500 Cubic Yards (I)
 14. Home Events

15. Home Occupation
 16. Household Pets
 17. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
 18. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
 19. Small Wind-Powered Energy System, Roof-Mounted
- F. Additional Requirements
1. Animal units... Four animal units per acre
 2. Special Review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - i. **Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.**
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - i. **Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.**
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
 - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

4-112 General Industrial (GI) District

- A. Purpose: Areas for the development of general industrial, manufacturing, commercial, and/or retail uses.
- B. Principal Uses Permitted
1. Agri-business Uses (see 4-501)
 - a. Agricultural Products Processing and Storage
 - b. Commercial Nursery
 - c. Custom Meat and Poultry Processing Facility (S)
 - d. Keeping of Nondomestic Animals (S)
 2. Agricultural Uses (see 4-502)
 - ~~a. Farm Stand~~
 - b. Intensive Agricultural Uses
 - c. Open Agricultural Uses
 - ~~d. Seasonal Farm Stand~~
- C. Accessory Uses Permitted (see 4-516)
1. Accessory Agricultural Sales
 2. Accessory Agricultural Structure
 3. Accessory Beekeeping
 4. Accessory Chicken Keeping
 5. Temporary Accessory Community Meeting Facility
 6. Accessory Concrete or Asphalt Batch Plant (S)
 7. Accessory Dwelling (I)
 - ~~8. Accessory Farm Stand (I)~~
 9. Accessory Horse Keeping
 10. Accessory Outside Storage
 11. Accessory Solar Energy System
 12. Accessory Structure
 13. Grading of more than 500 Cubic Yards (I)
 14. Home Events
 15. Home Occupation
 16. Household Pets
 17. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
 18. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)

19. Small Wind-Powered Energy System, Roof-Mounted

F.

Additional Requirements

1. Animal units... Four animal units per acre
2. Special Review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - i. Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - i. Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
 - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

Note: Use Tables show review processes that commonly apply to a use within a particular zone district. Additional processes may apply, as noted in 4-400, 4-500 and 4-800.

Use Tables • 4-502 Agricultural Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Equestrian Center	S	□	S										
B	Farm Store		I	I+						□	□		□	
C	Intensive Agricultural Uses	S	□	S								□	□	
D	Open Agricultural Uses	□	□	□	□							□	□	□
E	Seasonal Farm Stand		+	+						+	+		+	

Use Tables • 4-516 Accessory Use*

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Accessory Agricultural Sales	□	□	□+					□	□	□	□	□	□
B	Accessory Agricultural Structure	□	□	□	□							□	□	□
C	Accessory Beekeeping	□	□	□	□	□						□	□	□
D	Accessory Chicken Keeping	□	□	□	□	□						□	□	□

Attachment A: Proposed Text Amendments to the Land Use Code

E	Temporary Accessory Community Meeting Facility		S	S	S	S	S	S	S	S	S	S	S	S
F	Accessory Concrete or Asphalt Batch Plant		S									S	S	
G	Accessory Dwelling	I	I	I	I	I	I	I	I	I	I	I	I	I
H	Accessory Farm Stand		↓	I+	↓							↓	↓	
I	Accessory Horse Keeping	□	□	□	□	□	□	□	□	□	□	□	□	□
J	Accessory Outside Storage	□	□	□	□	□	□	□	□	□	□	□	□	□
K	Accessory Solar Energy System	□^	□^	□^	□^	□^	□^	□^	□^	□^	□^	□^	□^	□^
L	Accessory Structure	□	□	□	□	□	□	□	□	□	□	□	□	□
M	Demonstration Farm or Farm Camp		□ /I	□/ I+										
N	Farm Events		□/I	□/I+										
O	Grading of More than 500 Cubic Yards	I	I	I	I	I	I	I	I	I	I	I	I	I
P	Home Events	□	□	□	□	□	□	□	□	□	□	□	□	□
Q	Home Occupation	□	□	□	□	□	□	□	□	□	□	□	□	□
R	Personal Marijuana Cultivation and Marijuana Product Manufacturing	□	□	□	□	□	□	□	□	□	□	□	□	□
S	Household Pets	□	□	□	□	□	□	□	□	□	□	□	□	□
T	Noncommercial Telecommunications Site, One Structure Meeting District Regulations	□	□	□	□	□	□	□	□	□	□	□	□	□
U	Noncommercial Telecommunications Site, All Others	I	I	I	I	I	I	I	I	I	I	I	I	I
V	Small Wind-Powered Energy System	□^	□^	□^	□^	□^	□^	□^	□^	□^	□^	□^	□^	□^

* See Use Table Legend for this table on the following page.

Use Table 4-516 & 4-517 Legend:	
□	Uses Permitted by Right
□+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official or Zoning Administrator
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest
□^	Uses Permitted by Site Plan Review or Site Plan Review Waiver, See 4-514

Use Regulations

4-500 Use Regulations

- C. Additional information regarding process requirements is available within 4-100, Zoning District Regulations, and 4-802, Applicability and Scope of the Site Plan Review Process for Development. Additional processes may depend on the extent of development and intensity of use, including but not limited to location in the Floodplain Overlay District.

4-502 Agricultural Uses

B. Farm Store

1. Definition: A location for the sale of agricultural and horticultural products. ~~for more than 42 days in a calendar year. The products for sale may include, but are not limited to, the sale of seasonal produce, which does not have to be grown on-site.~~
2. Districts Permitted: By right in B, C, and GI; by Limited Impact Special Review in A, and in RR on unsubdivided land.
3. Parking Requirements: One space per 200 square feet of floor area.
4. Loading Requirements: One loading space for 10,000 or more square feet of floor area.
5. Additional Provisions:
 - a. One single family dwelling, occupied by the owner, operator, or manager of the business ~~will~~ **may** be considered customary and incidental as a part of this use.
 - b. ~~The majority of all products sold must be sourced from Boulder County farms. A minimum of 70 percent of products sold must be agricultural products (as defined in 18-105). The remainder (up to 30 percent of all products sold) may be craft or artisan products.~~
~~No more than ten percent of the Farm Store sales may be of nonagricultural or nonhorticultural products.~~
 - c. This use requires a building lot.

C. Intensive Agricultural Uses

1. Definition: Agricultural uses where the use predominantly occurs inside one or more structures, including but not limited to agricultural storage facilities, greenhouses, indoor riding facilities, and storage for accessory sales of agricultural or horticultural products.
2. Districts Permitted: By right in A, LI, and GI; by Special Review in F and RR
3. Parking Requirements: Sufficient to accommodate the use
4. Loading Requirements: Sufficient to accommodate the use
5. Additional Provisions:
 - a. ~~Accessory Sales associated with Intensive Agricultural Uses shall conform to the requirements of Accessory Agricultural Sales.~~
 - b. One single-family dwelling ~~will~~ **may** be considered customary and incidental as a part of this use.

D. Open Agricultural Uses

1. Definition: Agricultural uses which predominantly occur outside including but not limited to the grazing, keeping and use of livestock, the production, harvesting, and selling of agricultural or horticultural products, and accessory storage. Accessory structures such as ~~Season-Extending Agricultural Structures hoop houses or high tunnels used to extend the growing season,~~ or structures for storage or maintenance of items that support the agricultural use are allowed as part of this use.
2. Districts Permitted: By right in F, A, RR, ER, LI, GI, **C, B, T** and MI
3. Parking Requirements: Sufficient to accommodate the use
4. Loading Requirements: Sufficient to accommodate the use
5. Additional Provisions:
 - c. One single family dwelling, occupied by the owner or manager of the farm, ~~will~~ **may** be considered customary and incidental as a part of this use. Single family dwellings must be located on building lots.

~~E. Seasonal Farm Stand~~

- ~~1. Definition: A location for the sale of agricultural and horticultural products, for a period not to exceed 42 days in any calendar year. Nonagricultural and nonhorticultural products and products may comprise no more than ten percent of sales. This use includes Christmas tree sales and pumpkin sales.~~
- ~~2. Districts Permitted: By right in B, C, and GI; by Limited Impact Special Review in A, and in RR on unsubdivided land.~~
- ~~3. Parking Requirements: On-street parking may be permissible with review and approval from the Transportation Department.~~

~~4.—Loading Requirements: Sufficient to accommodate the use on-site.~~

~~5.—Additional Provisions:~~

~~a.—This use may include agriculturally based recreation activities.~~

4-516 Accessory Uses

An accessory use must be a use customarily incidental to and on the same parcel as the main use. A use listed in 4-500 may be an accessory use if the Director determines that the use is customarily incidental to a main use. Except as provided in this article, an accessory use must comply with all regulations applicable to the main use.

A. Accessory Agricultural Sales

1. Definition: A location for the retail sale or wholesale of agricultural or horticultural products. ~~which are grown on-site. Nonagricultural and nonhorticultural products and products which are not grown on-site may comprise no more than ten percent of total annual sales.~~
2. Districts Permitted: By right in F, A, RR on unsubdivided land, ER, LI, GI, **B, C, T** and MI; By Limited Impact Special Review in RR (subdivided) unless waived by the Director.
3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Transportation Department.
4. Loading Requirements: Sufficient to accommodate the use
5. Additional Provisions:
 - a. ~~The majority of all products sold must be sourced from Boulder County farms. A minimum of 70 percent of products sold must be agricultural products (as defined in 18-105). The remainder (up to 30 percent of all products sold) may be craft or artisan products.~~
 For purposes of this use, the term “on-site” means agricultural and horticultural products that are grown on parcels under the same ownership, lease or control as the parcel where the Accessory Agricultural Sales use is located.
 - b. Structures used for the purposes of Accessory Agricultural Sales must meet the requirements for an Agricultural Sales Structure per 4-516 B and 18-XXX. ~~Agricultural or horticultural products grown on the farm may be processed on the farm to create a value-added product provided the majority of the ingredients are grown on-site.~~
 - c. A commercial kitchen for the express purpose of processing agricultural products may be constructed. ~~It may be used in association with a Demonstration Farm use.~~
 - d. ~~Sale of value-added products can be sold on-site. This~~ may require a license from Boulder County Public Health.

B. Accessory Agricultural Structure

1. Definition:
 - a. A structure that is accessory to a principal agricultural use, ~~which may include barns that store animals or agricultural implements, detached greenhouses, season-extending agricultural structures (as defined in 18-XXX), indoor riding arenas, or other accessory structures depending on their demonstrated use.~~
 - b. ~~Agricultural sales structures (as defined in 18-XXY) accessory to a principal Agricultural, Commercial or Business use.~~
2. Districts Permitted:
 - a. By right in F, A, RR, ER, LI, GI, **C, B, T** and MI
3. Parking Requirements: ~~To be determined through review. None~~
4. Loading Requirements: None
5. Additional Provisions:
 - a. Accessory agricultural structures are subject to the minimum requirements of the zoning district in which they are located.
 - b. Accessory agricultural structures must be of a size and scale that relates to the size and scale of the agricultural use on-site, ~~except that Agricultural Sales Structures may be located on property not used for production of agricultural products (see 4-516).~~ Property owners may be asked to demonstrate the agricultural use including the area where the agricultural use will take place, describe how the structure will be utilized, and discuss how the structure and its proposed size is necessary to support the agricultural use on-site. Property owners may be required to sign a zoning affidavit restricting the structure to agricultural uses.
 - c. For purposes of this use, the term “on-site” means parcels under the same ownership, lease or control as the parcel where the Accessory Agricultural Structure is located.

- d. Structures that support the agricultural use shall not be considered Residential Floor Area. Structures that do not support an agricultural use are considered Accessory Structures and will contribute to the total Residential Floor Area on the subject parcel.

~~e. Agricultural structures may include barns that store animals or agricultural implements, detached greenhouses, hoop houses, indoor riding arenas, farm stands, or other accessory structures depending on their demonstrated use.~~

~~H. Accessory Farm Stand~~

- ~~1. Definition: A location for the retail sale or wholesale of seasonal agricultural products, the majority of which are grown on-site. Agricultural products grown on-site must comprise at least 60% of total annual sales. Nonagricultural products may comprise no more than ten percent of total annual sales.~~
- ~~2. Districts Permitted: By Limited Impact Special Review in A, RR on unsubdivided land, ER, LI, and GI~~
- ~~3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Transportation Department.~~
- ~~4. Loading Requirements: Sufficient to accommodate the use~~
- ~~5. Additional Provisions:

 - ~~a. For purposes of this use, the term "on-site" means agricultural and horticultural products that are grown on parcels under the same ownership, lease or control as the parcel where the Accessory Farm Stand use is located.~~
 - ~~b. Agricultural or horticultural products grown on the farm may be processed on the farm to create a value-added product provided the majority of the ingredients are grown on-site.~~
 - ~~c. A commercial kitchen for the express purpose of processing agricultural products may be constructed. It may be used in association with a Demonstration Farm use.~~
 - ~~d. Sales of value-added products may require a license from Boulder County Public Health.~~
 - ~~e. The requirement for Limited Impact Special Review may be waived if the Director determines the Accessory Farm Stand will not have a negative impact on the neighborhood or Significant Agricultural Lands and that there is no potential for any significant conflict with the criteria listed in Article 4-601 of this Code. In considering this determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days and shall consider any comments received from the public.~~~~

M. Demonstration Farm or Farm Camp

1. Definition: An area of agricultural land, including accessory structures, used to demonstrate farming, ranching and agricultural practices, to assist in the evaluation of farming practices and technologies, and to increase public awareness of food production and preparation practices. This ~~accessory~~ use must be accessory to an ~~Open~~ Agricultural Uses as listed in 4-502. Overnight classes and overnight camps are not permitted as part of this use.
2. Districts Permitted: ~~By Limited Impact Special Review or by right in A and in RR on unsubdivided land (see Additional Provisions below).~~ By right or Limited Impact in A, RR unsubdivided. The review process required is based on the number of attendees and type of events:
 - a. By right for classes or farm camps for 15 or fewer people per day. Classes or farm camps for up to 25 people per day are allowed by right for properties with a Verified Established Farm Use.
 - b. By Limited Impact Special Review for classes or farm camps for more than 15 people. ~~(see Additional Provisions below).~~
 - c. By right for educational tours up to 24 times per year. Educational tours may include up to 10 additional vehicle trips per day.
 - ~~d. By Limited Impact for educational tours occurring 25 times or more per year.~~
3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Transportation Department.
4. Loading Requirements: Sufficient to accommodate the use on-site.
5. Additional Provisions:
 - ~~a. Classes or farm camps for 8 or fewer people per day are allowed by right.~~
 - ~~b. Classes or farm camps for more than 8 people are allowed by Limited Impact Special Review.~~

N. Farm Events

1. Definition: A use accessory to a farm consisting of any group between 26 and 99 individuals assembled for or participating in an event where the farm is used as a venue. The purpose of this use is to allow commercial farms the opportunity to showcase their farm and crops, introduce their customers to the farm, demonstrate their farming practices, and host community-oriented events that provide marketing opportunities to the farm

and help diversify farmers' incomes in a way that is low-impact on the land and neighboring property owners. This includes farm-to-table dinners, weddings, wedding receptions, and any other gathering where eating and socializing occurs where the majority of the food served at the event is made with ingredients grown or raised in Boulder County or by the host farmer(s).

2. Districts Permitted: By right or Limited Impact in A, RR unsubdivided. ~~The review process required is based on the frequency of events:~~
 - a. By right: No more than 12 Farm Events per calendar year.
 - b. By right: If Home Events also occur on a parcel where Farm Events occur, not more than 18 total events (including a maximum of 12 Farm Events) may occur per calendar year.
 - c. By Limited Impact Special Review: 13 to 24 Farm Events per calendar year.
 - d. Twenty-five (25) or more Farm Events per calendar year ~~will be considered a Reception Halls and Community Meeting Facilities use~~ requires approval through Special Review.
3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Transportation Department.
4. Loading Requirements: None
5. Additional Provisions
 - ~~c. The review process required is based on the frequency of events:~~
 - ~~(i) By right: No more than six (6) Farm Events per calendar year.~~
 - ~~(ii) By right: If Home Events also occur on a parcel where Farm Events occur, not more than 12 total events (including a maximum of six Farm Events) may occur per calendar year.~~
 - ~~(iii) By Limited Impact Special Review: Seven (7) to 12 Farm Events per calendar year.~~
 - ~~(iv) Thirteen (13) or more Farm Events per calendar year will be considered a Reception Halls and Community Meeting Facilities use.~~
 - d. This use must occur on a parcel large enough to accommodate the use, parking, and sanitary facilities in a manner that does not negatively impact the neighboring parcels and traffic and the principal use of the parcel itself.
 - e. No event will occur before 9 a.m. or after 10 p.m.
 - f. Building new Floor Area or utilizing existing Floor Area for these events is ~~prohibited~~ ~~allowed~~ under this use classification ~~if the Floor Area is used for agricultural purposes when not used for Farm Events. Utilization of structures that meet the definition of Floor Area would be considered a Reception Halls and Community Meeting Facilities use.~~
 - g. This use shall also be granted and maintain all applicable local, state, and federal permits. It is possible separate permits or approvals may be required by County or State agencies for any food or drink provided. The applicant should contact the applicable agencies well in advance of the event to ensure adequate time for processing any applications, including Boulder County Public Health regarding requirements for food service handling and the County Commissioners' Office regarding requirements for Liquor Permits, County Transportation Department for Special Events that utilize or impact County Right-of-Way, and Parks and Open Space for Events or Group Gatherings on Parks and Open Space -owned property.
 - h. A Farm Event with greater than 99 people may occur with Special Authorization from the Zoning Administrator, following submittal of notice to neighbors within 1,500 feet of the proposed event location, and a 14 day comment period. Farm events with greater than 99 people in attendance may not occur more than 12 times per calendar year.

4-517 Temporary Uses

A. Educational Tour

1. Definition: A gathering or activity involving the use of a parcel for educational purposes incidental to the existing use on the property. Use relies on the location as a basis for the activity. Types of uses contemplated are school field trips and infrequent educational tours.
2. Districts Permitted: By right or Special Authorization of the Zoning Administrator in all districts.
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions
 - d. Allowed up to 24 times per year and may include up to 10 additional vehicle trips per day.

4-802 Applicability and Scope of the Site Plan Review Process for Development

- A. Site Plan Review shall be required for (unless not required or waived pursuant to sections B and C below):
3. Any cumulative increase in floor area of more than 1,000 square feet on a parcel over that existing as of September 8, 1998.
 - a. In calculating this 1,000 square foot threshold, any demolition and rebuilding of any existing structure or any portions thereof, shall be counted toward the threshold.
 - b. Any floor area not legally existing as of September 8, 1998 shall be counted toward the threshold, **with the exceptions of:**
 Season-Extending Agricultural Structures, as defined in 18-XXX and less than 12 feet in height.
 Agricultural Sales Structures less than 500 square feet.
 - c. Applies to all principal and accessory structure(s), **with the exceptions of:**
 Season-Extending Agricultural Structures, as defined in 18-XXX and less than 12 feet in height.
 Agricultural Sales Structures less than 500 square feet
 10. A change of use of a parcel
 15. An Agricultural Sales Structure larger than 500 square feet.
- B. Site Plan Review shall not be required for: **[Note to reviewer: This list of conditions exempt from SPR has been re-organized. Substantive changes have been made to B2, and B3 c and d.]**
2. Season-Extending Agricultural Structures up to 3,000 cumulative square feet located on parcels 5 acres or larger, provided the holder of any conservation easement on the property confirms in writing that the proposed structures are consistent with the conservation easement.
 - a. Season-Extending Agricultural Structures that do not go through a Site Plan Review process will go through an administrative review to ensure any proposed structures adhere to Floodplain Overlay District provisions (4-400), and are constructed within applicable setbacks.
 3. All other accessory structures less than 1,000 square feet, except:
 - a. Structures that would increase floor area beyond the cumulative thresholds specified in this section A(2) or A(3).
 - b. Structures proposed for properties that lie within a Natural Landmark, a Natural Area or the associated 250' buffer as specified in this section A(3) and A(4).
 - c. Agricultural Sales structures larger than 500 square feet, as specified in this section A(15).
 - d. Season-Extending Agricultural Structures proposed for properties covered by conservation easements, unless the conservation easement holder confirms in writing that the proposed Season-Extending Agricultural Structures are consistent with the conservation easement.
- 4-7. [renumber 3-6 to become 4-7]
- C. Site Plan Review may be waived for the following circumstances if the Land Use Director determines that there is no potential for any significant conflict with the criteria listed in Article 4-806 of this Code:
2. In the plains, any nonresidential accessory structure less than 5,000 square feet, **with the exception of Agricultural Sales Structures.**
 3. In the mountainous areas, any nonresidential accessory structure less than 2,000 square feet, **with the exception of Agricultural Sales Structures.**

In considering a waiver determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days following such notification and shall consider any comments received by the public. In waiving any requirement for Site Plan Review as authorized under this section 4-802, the Director may impose written terms and conditions on the waiver as may be reasonably necessary to ensure that the regulatory basis for the waiver is not contravened once the subject use or construction is commenced.

Article 18 • Definitions

Agriculture

Uses involving the cultivation of land, production of crops, raising, breeding, and keeping of livestock, and the buying and selling of crops, products or livestock associated with the agricultural operation. Agriculture specifically does

not include commercial, institutional, lodging, or recreational uses such as petting zoos, day-care centers, or summer camps.

Agricultural Products

Products intended for direct human or animal ~~consumption-use~~ such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, ~~flowers, herbs~~ and wool.

[Add Definition] Agricultural Sales Structure

A structure, or portion of a structure, used for sales of agricultural products and adhering to the provisions for the Accessory Agricultural Sales and/or Farm Store uses.

18-149 Farm

A parcel of land ~~for which the principal use is-used-for~~ agricultural ~~real purposes~~.

18-162 Floor Area

The area of a building or structure, existing or new, including basements and attached garages calculated without deduction for corridors, stairways, closets, the thickness of interior walls, columns, or other features as measured from the exterior face of the exterior walls. Floor area does not include the area of any covered porch. ~~Floor area does not include season-extending agricultural structures that lack utilities other than irrigation and temporary heat.~~ (For Residential Structures, see also Article 18-189D.)

18-186 Principal Use

The primary purpose or function for which a parcel is used.

[Add Definition] Verified Established Farm Use

Properties that have submitted and received approval from the Land Use Department of documentation verifying that:

- a) the principal use of the property is production of crops, livestock or other agricultural products to be sold for profit or for use by a certified 501(c)3 non-profit organization;

OR

- b) annual revenue from sales of agricultural products (with the exception of hay and forestry products) produced onsite (i.e., by a business operating on the property) is greater than \$15,000, as demonstrated by IRS Schedule F or other documentation.

[Add Definition] Season-Extending Agricultural Structure

A structure designed to extend the growing season. The structure is covered by plastic or shade cloth, has an earthen/dirt floor that may be covered by fabric and/or gravel, and may include utilities.

Topic	Current Condition	Code (and Related) Changes Under Consideration	Comments
Farm Sales			
<i>Which "use categories" in the Code address farm sales?</i>	Farm Store (Principal) (4-502 B) Seasonal Farm Stand (Principal) (4-502 E) Accessory Farm Stand (4-516 H) Accessory Agricultural Sales (4-516 A)	Eliminate: 2 existing use categories: Seasonal Farm Stand (P), Accessory Farm Stand Keep: Farm Store (P), Accessory Agricultural Sales (Farms would follow provisions of Accessory Ag Sales Use if they want to add sales to their current ag activity)	Reducing the number of uses is intended streamline and simplify the Code.
<i>What products can be sold?</i>	Varies by use: (4-502 B) <u>Farm Store</u> : Agricultural and horticultural products. The products for sale may include, but are not limited to, the sale of seasonal produce, which does not have to be grown on-site. (4-502 E) <u>Seasonal Farm Stand</u> : Agricultural and horticultural products. Nonagricultural and nonhorticultural products and products may comprise no more than ten percent of sales. This use includes Christmas tree sales and pumpkin sales. (4-516 H) <u>Accessory Farm Stand</u> : Agricultural products grown on-site must comprise at least 60% of total annual sales. Nonagricultural products may comprise no more than 10% of total annual sales. (4-516 A) <u>Accessory Ag Sales</u> : Agricultural or horticultural products which are grown on-site. Nonagricultural and nonhorticultural products and products which are not grown on-site may comprise no more than ten percent of total annual sales. Article 18 <u>Definition of Agricultural Products</u> (18-105): Products intended for direct human or animal consumption such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants and wool.	References to Agricultural Sales (i.e., with Farm Store and Accessory Agricultural Sales use definitions) would include the following provisions: "The majority of all products sold must be sourced from Boulder County farms. A minimum of 70% of products sold must be agricultural products (as defined in 18-105). The remaining products sold may be craft or artisan products." Percentages determined based on square footage of floor space devoted to selling those products	Same provisions would apply across all ag sales-related uses. Would remove all "grown on-site" requirements to allow greater flexibility for farms in poor locations or lacking infrastructure to be able to sell at neighboring farms, etc.
<i>What are the timeframes associated with different uses?</i>	Varies by use-- (4-502 B) <u>Farm Store</u> : More than 42 days in a calendar year (4-502 E) <u>Seasonal Farm Stand</u> : Not to exceed 42 days in any calendar year (4-516 H) <u>Accessory Farm Stand</u> : No limitations (4-516 A) <u>Accessory Ag Sales</u> : No limitations	No restrictions on number of days per year for any of the uses.	Changes intended to simplify Code and focus Code provisions on areas of greatest concern in terms of impacts.
<i>Where can a farmer sell their products?</i>	Accessory Ag Sales allowed by right in F, A, RR on unsubdivided land, ER, LI, GI, and MI; By Limited Impact Special Review in RR (subdivided) unless waived by the Director. Farm stand sales are limited primarily to on-site under our Code; Can also sell to restaurants, stores, via CSAs and farmers markets	Allow Accessory Ag Sales in zone districts where it is not currently allowed; add Business, Commercial and Transitional zone	Allowing ag sales from anywhere in Boulder County or Colorado as a whole provides greater flexibility and opportunity to diversify sources of farmer income (e.g., there is an opportunity for farmers to partner up and sell products from other neighboring farms at a single location). It increases the public's awareness of Boulder farms and provides easy, affordable opportunities to purchase locally-grown, healthy food

Topic	Current Condition	Code (and Related) Changes Under Consideration	Comments
<p><i>What is the approval process for ag sales-related uses?</i></p>	<p>Varies by use-- (4-502 B) <u>Farm Store</u>: By right in B, C, and GI; by Limited Impact Special Review in A, and in RR on unsubdivided land. [Limited Impact Special Review if >150 ave. daily trips] (4-502 E) <u>Seasonal Farm Stand</u>: Limited Impact Special Review in Ag and RR Zoned area. By right in B, C, and GI [Limited Impact Special Review if >150 ave. daily trips] (4-516 H) <u>Accessory Farm Stand</u>: By Limited Impact Special Review in A, RR on unsubdivided land, ER, LI, and GI (4-516 A) <u>Accessory Ag Sales</u>: By right in F, A, RR on unsubdivided land, ER, LI, GI, and MI; By Limited Impact Special Review in RR (subdivided) unless waived by the Director.</p>	<p>Apply the "Accessory Ag Sales" conditions across all Ag-related sales uses.</p>	
<p><i>What is the approval process for structures to be used for ag sales?</i></p>	<p>Accessory Ag Structures: By right in F, A, RR, ER, LI, GI, and MI; Subject to Site Plan Review if built on vacant land or adds ≥1,000 sf; Eligible for SPR Waiver if less than 5,000 sf in the plains, or if less than 2,000 sf in the mountains Subject to Building Permit if 120 sf, has utilities or meets (other conditions in Building Code)</p>	<ul style="list-style-type: none"> • Improve clarity and make more user friendly by introducing definition for Agricultural Sales Structure. <p>Proposed Definition <u>Agricultural Sales Structure</u>: A structure, or portion of a structure, used for sales of agricultural products.</p> <ul style="list-style-type: none"> • Allow as an accessory use in all districts where Accessory Agricultural Sales allowed, up to 500 sf. Structures >500 sf, subject to Site Plan Review (SPR). 	<p>Site Plan Review process costs between: \$475 - \$1,800; SPR Waiver process costs \$600. There is currently some ambiguity as to whether existing barns can be used for ag sales. This Code change would clarify that those structures can be used for sales, though they would need obtain a building permits to ensure the space meets health and safety requirements to accommodate the use.</p>
<p><i>Other Noteworthy Items</i></p>	<p>a. Uses are subject to all "Additional Provisions" for the zone district; b. Currently Code does not provide any guidance for food trucks (e.g., those selling prepared foods sourced from Boulder County farms / local farm-to-table restaurants)</p>	<p>See discussion of exception to 150 average vehicle trips per day trigger for Special Use Review process under "General - Traffic / Parking Related"</p>	

Topic	Current Condition	Code (and Related) Changes Under Consideration	Comments
Farm Events			
<i>How many events are allowed?</i>	(4-516 N) The review process required is based on the frequency of events: (i) By right: No more than six (6) Farm Events per calendar year. (ii) By right: If Home Events also occur on a parcel where Farm Events occur, not more than 12 total events (including a maximum of six Farm Events) may occur per calendar year. (iii) By Limited Impact Special Review: Seven (7) to 12 Farm Events per calendar year. (iv) Thirteen (13) or more Farm Events per calendar year will be considered a Reception Halls and Community Meeting Facilities use.	Increase number allowed by right from 6 (current) to 12; Increase maximum # with Limited Impact Special Review from 12 to 24; No upper cap if approved by Special Use Review (currently would be considered Reception Hall or Community Meeting Facility if >12)	Note: A current requirement that's often overlooked is "the majority of the food served at the event is made with ingredients grown or raised in Boulder County or by the host farmer(s)." This provision will remain in place.
<i>How many people may attend events under this use?</i>	between 26 and 99 individuals	1. Increase the limit on number of attendees allowed per event from 99 to 150. [This involves a change in the use definition, and a change to the Occupant Load limits specified in the zoning regulations for each zone district. The occupant limit for VEFU will be raised to 150.] 2. Events with an excess of 99 people would require Special Authorization from the Zoning Administrator (LU Director), will be subject to comment from neighbors within 1,500 feet of the proposed event location, and may not occur more than 12 times	Currently, if a property wants to host >99 people it would fit under "Group Gathering" (a temporary use). That use is limited to 2 times per year, and must be >8 hours in length. Home Events (another Accessory Use) are also limited 99 people.
<i>Can the events make use permanent structures on the property ("floor area")?</i>	No	Allow use of floor area (i.e., permanent structures) for events, subject to Building Code requirements. Floor space must be used for agriculture-related uses (e.g., office, equipment storage, general purpose) when not used for events.	There is demand for use of wash stations / bathrooms for events. There is some interest in allowing broader use of floor area for events and the option would provide a mechanism for that to occur.
<i>Other Noteworthy Items</i>	Requires a legal building lot, except for farm-to-table dinners; Must occur between 9am and 10pm	Same as current	
Demonstration Farm / Farm Camps			
<i>How many people can be in a class?</i>	(4-516 M) a. Classes or farm camps for 8 or fewer people per day are allowed by right. b. Classes or farm camps for more than 8 people are allowed by Limited Impact Special Review.	Increase the number of attendees allowed by right at farm camps (or classes) from 8 (current) to 15; Clarify that class sizes apply for all classes, not just camps (e.g., cooking classes, etc.); Allow up to 25 attendees per class for Verified Established Farm Use.	
<i>How are educational group visits treated (e.g., school groups)?</i>	Not specifically addressed in the Code	Add a special provision to allow up to 24 times per year by right. These visits may include up to 10 additional vehicle trips per day. This will be called out both within the Demonstration Farm / Farm Camp use and in a new temporary use definition called "Educational Tour."	

Topic	Current Condition	Code (and Related) Changes Under Consideration	Comments
Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")			
<i>How are they defined in the Code?</i>	Covered under Accessory Agricultural Structures (4-516 B); There is some ambiguity and lack of consistency across use definitions and references in the Building Code and Land Use Code. This presents opportunities for inconsistent interpretation and confusion.	<p>Overall: Minimal changes to clarify language and make it easy to understand what is allowed;</p> <p>Add definition for purposes of clarity, consistent interpretation-- "Season-Extending Agricultural Structure": "A structure designed to extend the growing season. The structure is covered by plastic or shade cloth, has an earthen/dirt floor that may be covered by fabric and/or gravel, and may include utilities."</p> <p>May require affidavit indicating no one will enter the structures during excessive wind and snow load events.</p> <p>Definition referenced in Accessory Ag Structure, Open Ag and Intensive Ag use definitions</p>	<p>Intensive Ag Use Definition makes references to greenhouses; Open Ag use makes reference to hoop houses and high tunnels (none of the terms is defined). Accessory Ag Structures Definition references both greenhouses and hoop houses.</p> <p>(4-502 C) Intensive Ag Use Definition: Agricultural uses where the use predominantly occurs inside one or more structures, including but not limited to agricultural storage facilities, greenhouses, indoor riding facilities, and storage for accessory sales of agricultural or horticultural products.</p> <p>(4-502 D) Open Ag Use Definition: Agricultural uses which predominantly occur outside including but not limited to the grazing, keeping and use of livestock, the production, harvesting, and selling of agricultural or horticultural products, and accessory storage. Accessory structures such as hoop houses or high tunnels used to extend the growing season, or for storage or maintenance of items that support the agricultural use are allowed as part of this use.</p> <p>(4-516 B) Accessory Ag Structure Definition: Additional Provisions, i.e. Agricultural structures may include barns that store animals or agricultural implements, detached greenhouses, hoop houses, indoor riding arenas, farm stands, or other accessory structures depending on their demonstrated use.</p>
<i>How big can they be, and what other characteristics can they have?</i>	No size limits provided; subject to provisions for Accessory Agricultural Structures, which says "must be of a size and scale that relates to the size and scale of the agricultural use"	No limitations specified. Subject to outcomes of applicable land use process.	Would improve clarity compared to current code which references multiple terms (hoop house, high tunnel, etc.).
<i>What review processes apply?</i>	<p>a. Site Plan Review required if: ≥1,000 sf, or built on vacant land and requires a Building Permit;</p> <p>b. Eligible for SPR Waiver if less than 5,000 sf in the plains, or if less than 2,000 sf in the mountains</p> <p>c. Need Building Permit if it is more substantial than what could be considered a "Shade Cloth Structure", if it has utilities, or if is >120 sf.</p>	<p>1. For any property owner, no land use process unless triggers SPR (e.g., >1,000 sf);</p> <p>2. No land use process up to cumulative 3,000 sf of Season-Extending Agricultural Structures, for parcels 5 acres or larger, provided the holder of any conservation easement on the property confirms in writing that the proposed structures are consistent with the conservation easement.</p>	<p>Staff currently considers all hoop house-like structures as "shade cloth structures", but there is ambiguity as to what is a "shade cloth structure", what would count as a greenhouse</p> <p>Consistent with current conditions, the new structure would require permits from the Building Division if the scale and type of requires a permit (i.e., >120 sf and has water and electrical service)</p> <p>Staff will work toward developing design templates. Structures adhering to the design templates would, by virtue of being familiar to staff, likely receive more prompt approval</p>
<i>Other Noteworthy Items</i>	There is currently ambiguity as to whether a shade cloth structure / hoop house would count as "floor area" that falls under the 25,000 sf limit for agricultural uses on an Ag zoned property	Season-Extending Agricultural Structures that lack permanent utilities, with the exception of irrigation, do not count as floor area.	Lack of clarity regarding whether hoop houses count toward floor area opens up potential for inconsistent implementation.

Topic	Current Condition	Code (and Related) Changes Under Consideration	Comments
General / Cross-Cutting			
Processes for established farm uses			
<p><i>Are different processes available to properties with established agricultural uses?</i></p>	<p>There are no differences in the processes available to established agricultural uses (vs. those with anticipated agricultural uses). Staff spends a great deal of time in Development Review Team meetings considering whether a proposed structure relates to the size and scale of the agricultural use already underway or anticipated for the property.</p>	<p>Develop a form to be completed by a property owner or representative that serves as an affidavit and documentation that property is a Verified Established Farm Use. The application process may involve submitting a plan for future agricultural uses on the property that can serve as a reference for planners when reviewing future applications for the property.</p> <p>Add definition for Verified Established Farm Use: Properties that have submitted and received approval from the Land Use Department of documentation verifying that: a) the principal use of the property is production of crops, livestock or other agricultural products to be sold for profit or for use by a certified 501(c)3 non-profit organization; OR b) annual revenue from sales of agricultural products (with the exception of hay and forestry products) produced onsite (i.e., by a business operating on the property) is greater than \$15,000, as demonstrated by IRS Schedule F or other documentation.</p>	<p>Staff will develop a form for property owners/representatives to complete confirming there is a Verified Established Farm Use (VEFU) on the property.</p> <p>Benefits to VEFU:</p> <ol style="list-style-type: none"> 1. Eligible for greater # of attendees at Demonstration Farm and Farm Camp classes. 2. Allow ≥200 average daily trips properties with approved Farm Verification Form; 3. Allow occupant load up to 150; 4. Agricultural principal use automatically assumed by planners conducting land use reviews to help make review process go more smoothly <p>Additional ideas for future consideration:</p> <ul style="list-style-type: none"> -Eligible for potential reduced fees for land use processes -Eligible for extra farm worker accessory dwelling units -Consider allowing "farm ahead" signage in county road rights of way, and alongside roadway approaching farm (with county or other necessary approval)
Traffic / Parking Provisions			
<p><i>What review processes are necessary?</i></p>	<p>Most ag uses specify "Vehicles should be accommodated on site. On street parking may be permissible with review and approval from the Transportation Department"</p>	<p>Farms with approved Verified Established Farm Use and an Agricultural Sales Structure present on the property can have up to 200 Average Daily Trips before triggering a Special Review Process, They are exempt from the 150 average vehicle trip/day provision that would otherwise require a Special Review process.</p> <p>Provide property owner with Transportation Guidelines for Farms (form to be developed) that would be reviewed and signed by the property owner.</p>	<p>150 Average Daily Trips (each car visit counts as two daily trips) currently triggers a Special Review process.. The proposed change recognizes that Agricultural Sales Structures are likely to need on the order of 100 separate sales in order to make the venture financially viable. That would equate to 200 Average Daily Trips if each sale is to a single occupant vehicle. Property owners would be given Transportation Guidelines for Farms, which may include a form property owners need to sign to verify that they are adhering to the guidelines. Staff believes this would appropriately balance the need for traffic safety with those of the agricultural community to sell products at their farms.</p>
Signage			

Topic	Current Condition	Code (and Related) Changes Under Consideration	Comments
<p><i>How much signage can a farm have?</i></p>	<p>(13-600) Sign Code Specifies the following. Does not specifically address treatment of identification signage for farms.</p> <p><u>If in Ag Zone:</u> <i>If Ag is principal use :</i> Freestanding signs: 64 s.f. total area per sign no more than 32 s.f. per sign face; Limited to 10' height; Wall Signs: 24 sf limit Other: Any combination of freestanding or wall sign must not exceed the 88 square feet per lot requirement; <i>If residential principal use: allowed 2 sf of signage.</i></p> <p><u>In Rural Res Zone:</u> <i>If Ag is principal use:</i> Freestanding signs: 32 s.f. total area per sign no more than 16 s.f. per sign face; Limited to 6' height; Wall Signs: 32 sf limit Other: Any combination of freestanding or wall sign must not exceed the 64 square feet per lot requirement <i>If residential principal use: allowed 2 sf of signage.</i></p>	<p>No changes proposed. Consider potentially allowing "farm ahead" signage in the right of way for VEFU.</p>	<p>We heard from farmers during public meetings and farm visits that there is confusion about what is allowed for signage.</p>